

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CONSORZIO DEL PROSCIUTTO
DI SAN DANIELE

v.

CA 07-039 ML

DANIELE, INC.

MEMORANDUM AND ORDER

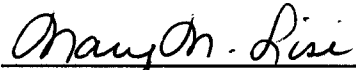
This matter is before the Court on Plaintiff's appeal from a decision issued by Magistrate Judge Martin in which the Magistrate Judge denied Plaintiff's Motion for Sanctions. The Motion for Sanctions was referred to the Magistrate Judge for determination pursuant to 28 U.S.C. § 636(b)(1)(A). This Court may reconsider the order "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law."

This Court has reviewed the Memorandum and Order issued by Magistrate Judge Martin on December 1, 2009. This Court has also reviewed the extensive filings in support of Plaintiff's appeal, as well as those filed by Defendant in opposition to Plaintiff's appeal of the Magistrate Judge's order. This Court is also very familiar with the travel of this litigation as well as the previous lawsuit between these parties. It appears to this Court, as it apparently also appeared to the Magistrate Judge, that this latest skirmish could have been avoided had counsel simply communicated with each other before the deposition of Attorney Samuels. This Court finds that the Magistrate

Judge's order is not clearly erroneous or contrary to law.

According, Plaintiff's appeal is DENIED and DISMISSED.

SO ORDERED:

A handwritten signature in cursive script, reading "Mary M. Lisi", is written over a horizontal line.

Mary M. Lisi
Chief United States District Judge
January 28, 2010